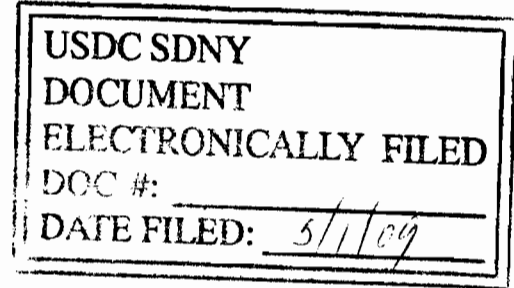


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -x  
:  
UNITED STATES OF AMERICA  
:  
- v -  
:  
KEVIN ALLER,  
a/k/a "Beamo,"  
:  
Defendant.  
:  
- - - - -x



S4 00 Cr. 977 (TPG)  
**PROTECTIVE ORDER**

WHEREAS, this case is before the District Court on a remand for possible resentencing, pursuant to United States v. Booker, 125 S. Ct. 738 (2005), and United States v. Crosby, 397 F.3d 103 (2d Cir. 2005);

WHEREAS, in a ruling issued from the bench on January 27, 2006, after hearing argument from the parties, this Court decided to proceed with resentencing;

WHEREAS, in connection with these proceedings, counsel for the defendant, Kevin Aller, has asked the Government to obtain and produce a copy of a video recording relating to an incident that occurred at the Metropolitan Detention Center ("MDC"), in Brooklyn, New York, on or about October 31, 2008 (the "Recording");

WHEREAS, in providing that Recording to the Government, which was obtained from security cameras operated at the MDC, legal counsel for the MDC indicated that because the Recording depicted interior spaces of the MDC, its production and

dissemination raised security concerns for the Bureau of Prisons; counsel for the MDC therefore requested the Government to obtain an appropriate Protective Order from this Court before producing the recording to another party;

WHEREAS, the Government has agreed to produce the Recording to Aller's counsel, on the condition that a Protective Order is entered, as counsel for the MDC has requested;

AND WHEREAS the parties have agreed to the terms of this Protective Order;

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Government will produce the Recording to Larry H. Krantz, Esq., who represents the defendant in this case.

2. The Recording may be viewed by Mr. Krantz and anyone working with Mr. Krantz, at the law firm of Krantz & Berman, to assist in the representation of Kevin Aller.


3. The Recording may be viewed by Kevin Aller. However, neither the Recording nor any images taken or copied from the Recording may be given to Kevin Aller or retained by him, at the MDC or at any other location; rather, the Recording (along with any images taken or copied from it) must remain in the possession of Aller's counsel.

4. The Recording may not be viewed by or provided to any other party, without permission of the Court, except as part of a submission to the Court from defense counsel or the Government.

5. At the conclusion of the proceedings before this Court, and any appeals arising from these proceedings, counsel for Aller shall return the Recording, and any images taken or copied from the recording, to the Government.

IT IS SO ORDERED.

May 1, 2009  
Dated

  
THE HONORABLE THOMAS P. GRIESA  
UNITED STATES DISTRICT JUDGE